



Attorney Docket No.: 6296.204-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Van Den Berghe, Greta

Serial No.: 09/853,193

Group Art Unit: 1653

Filed: May 11, 2001

Examiner: Kam, Chih Min

Confirmation No: 5893

For: Methods and Preparations For Curing Clinically Ill Patients

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Sir:

I hereby certify that the attached correspondence comprising:

1. Response to Restriction Requirement (2 pages)

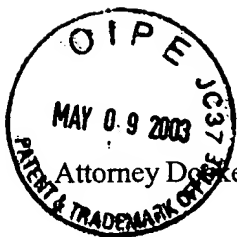
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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

Sir:

This paper is being filed in response to the Office Action mailed April 11, 2003 that made the following restriction requirements. Applicant was requested to elect one of two designated groups of claims and if Group I was elected, Applicant was required to elect one type of compounds as a blood glucose regulator and one disease from claims 1, 2, 3, 4, 15 and 21.

In response to these requirements, Applicant hereby elects the invention of Group I, claims 1-15 and 19-21 for continued prosecution and selects insulin as the blood glucose regulator and critically ill polyneuropathy (CIPNP) as the disease. In making these elections, Applicant does however traverse the Examiner's requirement that Applicant must select one disease and one type of blood glucose regulator if Applicant elects Group I.

The basis for traversal regarding the blood glucose regulators is that, contrary to the Examiner's assertion, each of the listed blood glucose regulators does have a common function (ie blood glucose regulation) and the specification makes clear that regardless of their structure, it is this common function that is critical to the methods of the invention (eg page 3, lines 19-22). Accordingly, withdrawal of the requirement that Applicant select a single type of blood glucose regulator is respectfully requested.



Alternatively, at a minimum, Applicant submits that insulin, insulin analogs and insulin derivatives should be grouped as a single type of blood glucose regulator, since the basic structure and mode of operation of these insulins is very similar.

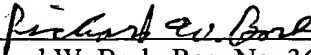
As to the basis for traversal regarding the diseases, it is Applicants' position that there is no support for the Examiner's assertion that each disease utilizes a different drug for treatment. Accordingly, withdrawal of the requirement that if Group I is elected, Applicant must select one disease and one type of blood glucose regulator, is respectfully requested.

Applicant hereby reserves the right to file continuing applications directed to the nonelected subject matter.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

Date: May 6, 2003


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